

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARTIN T. SIGILLITO,)	
)	
Movant,)	
)	
v.)	No. 4:10MC00461 UNA
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

GOVERNMENT'S REQUEST FOR AN EXTENSION OF TIME
TO FILE ITS RESPONSE TO MOVANT'S
RULE 41(g) MOTION FOR RETURN OF PROPERTY

Comes now the United States of America, by and through its undersigned counsel, and respectfully submits this request for an extension of time within which to file the government's response to Movant's Rule 41(g) Motion for Return of Property. The government's response is due on August 31, 2010. The government requests an extension of time to file its response, up to and including Friday, September 24, 2010. As grounds for this motion, the United States respectfully submits the following:

(1) Movant's motion was received by the government on August 25, 2010, even though it was filed with the Clerk on August 23, 2010 (without leave of Court to file a motion exceeding 15 pages in length, *see* Local Rule 7-4.01(D)).

(2) Assistant United States Attorney, Steven E. Holtshouser, one of the attorneys assigned to this matter by the Department of Justice, will be out of the office at a CLE conference until September 7, 2010.

(3) Movant is seeking the return of property that was seized on May 24, 2010, and on July 1, 2010. Movant's delay in seeking the return of his seized property demonstrates a lack

of urgency such that he will not suffer any incremental harm from the alleged unlawful seizures.

(4) The current motion is also the first time that movant's counsel has requested the return of any property for the reasons alleged. Some months ago, movant's counsel requested the government to release certain property to permit Mr. Sigillito to pay fees to movant's counsel, but the government declined said request. No other hardship request has ever been made to the government. Instead, movant chose to pursue the return of property by the current motion further demonstrating a lack of urgency to address this matter.

(5) Movant acknowledges in his motion that administrative forfeiture proceedings related to the seizures have been initiated. Those proceedings provide movant with remedies to protect his rights regarding the seized property, but he has not availed himself of those remedies. A delay of the government's response until September 24, 2010, would not harm movant's rights in the administrative proceeding or in the current matter.

(6) The government has been actively involved in an ongoing investigation of this matter and must now interrupt and delay the investigation to prepare a response to movant's motion.

(7) Lastly, movant's motion is 75 pages in length with 36 exhibits, and it alleges over 20 grounds for relief. The volume of the motion and supporting exhibits and the numerous allegations alone justify granting the government additional time to appropriately respond.

WHEREFORE, the United States respectfully requests an extension of time to file its response up to and including Friday, September 24, 2010.

Respectfully submitted,

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United States Attorney General
BETH PHILLIPS
United States Attorney
WESTERN DISTRICT OF MISSOURI

/s/ Jess E. Michaelson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on August 30, 2010, to the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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/s/ Jess E. Michaelsen
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